

**FILL-IN DRAFT AFFIDAVIT--AMOUNT IN CONTROVERSY  
LESS THAN \$1,000--TITLE XVIII (NON-PRO CASES)**

IN THE UNITED STATES DISTRICT COURT  
FOR THE \_\_\_\_\_ DISTRICT OF \_\_\_\_\_  
\_\_\_\_\_ DIVISION

_____ ,	)	
	)	
Plaintiff	)	
	)	
	)	
vs.	)	CIVIL ACTION NO.
_____	)	
	)	
LOUIS W. SULLIVAN, M.D.,	)	
SECRETARY OF HEALTH	)	
AND HUMAN SERVICES	)	
	)	
	)	
Defendant	)	
	)	
	)	

AFFIDAVIT OF \_\_\_\_\_

COMMONWEALTH OF VIRGINIA	)	
	)	ss
	)	

I, \_\_\_\_\_ being first duly sworn, depose and say  
as follows:

(1) I am the Director of Division \_\_\_\_\_ of the Office of Civil Actions, Office of Hearings and Appeals, Social Security Administration, Department of Health and Human Services. The Office of Hearings and Appeals includes the Appeals Council and Administrative Law Judges who hold hearings on claims arising under Title XVIII of the Social Security Act, as amended, when such hearing is duly requested by a claimant who is dissatisfied with the administrative determination on his or her claim. The Office of Civil Actions assists the Appeals Council in processing cases in which a civil action has been filed.

- 2 -

(2) One function of the Appeals Council is to act on requests for review of hearing decisions made by Administrative Law Judges and to either grant, deny, or dismiss any such request. Under the regulations of the Social Security Administration, if the Appeals Council denies a timely request for review of a hearing decision, that decision thereupon becomes the "final decision" of the Secretary within the meaning of, and subject to, the provisions for judicial review in section 1869(b) of the Social Security Act, as amended, 42 U.S.C. section 1395(ff), which reads in pertinent part as follows:

"Any individual dissatisfied with any determination...as to the amount of benefits under part A or part B...shall be entitled to a hearing thereon by the Secretary...and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g). Notwithstanding [the above] judicial review shall not be available [under part A or part B] to the individual...if the ...amount in controversy is less than \$1,000."

(3) I am responsible for the processing of claims under Title XVIII of the Social Security Act, as amended, whenever a civil action has been filed in the State of \_\_\_\_\_. The official file maintained by the Office of Hearings and Appeals relating to the claim of the plaintiff, \_\_\_\_\_, under Title XVIII of the Social Security Act, is presently within my custody and has been examined under my supervision. To the best of my knowledge and belief said file shows that:

\_\_\_\_\_  
(typed name of Division Director)

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, Commonwealth of Virginia